

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1953-01  
Bill No.: SB 662  
Subject: Crimes and Punishment; Pharmacy  
Type: Original  
Date: March 25, 2003

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**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>                   |                              |                              |                              |
|---|------------------------------|------------------------------|------------------------------|
| <b>FUND AFFECTED</b>  | <b>FY 2004</b>               | <b>FY 2005</b>               | <b>FY 2006</b>               |
| General Revenue   | (Less than \$100,000)        | (Less than \$100,000)        | (Less than \$100,000)        |
|   |                              |                              |                              |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue<br/>Fund</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>               |                |                |                |
|--|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>   | <b>FY 2004</b> | <b>FY 2005</b> | <b>FY 2006</b> |
| None   |                |                |                |
|  |                |                |                |
| <b>Total Estimated<br/>Net Effect on Other<br/>State Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS                                 |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2004    | FY 2005    | FY 2006    |
| None  |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>All</u><br/>Federal Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| ESTIMATED NET EFFECT ON LOCAL FUNDS |            |            |            |
|-------------------------------------|------------|------------|------------|
| FUND AFFECTED                       | FY 2004    | FY 2005    | FY 2006    |
| <b>Local Government</b>             | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Economic Development – Division of Professional Registration** and the **Department of Public Safety – Missouri State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Health and Senior Services (DHSS)** assume the proposed legislation would not be expected to significantly impact the operations of the DHSS. If the proposal were to substantially impact any DHSS programs, then the DHSS would request funding through the legislative process.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

ASSUMPTION (continued)

Officials from the **Office of State Public Defender** assume existing staff could provide representation for those few cases arising where indigent persons were charged with the crime of tampering with prescription drugs. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Department of Corrections (DOC)** assume this bill creates the crime of tampering with prescription drugs and is punishable as a class A felony.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY02 average of \$35.52 per inmate, per day or an annual cost of \$12,965 per inmate) or through supervision provided by the Board of Probation and Parole (FY02 average of \$3.10 per offender, per day or an annual cost of \$1,132 per offender).

At this time, the DOC is unable to determine the number of people who would be convicted under the provisions of this bill and therefore the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum-security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

| <u>FISCAL IMPACT - State Government</u>                 | FY 2004<br>(10 Mo.)                     | FY 2005                                 | FY 2006                                 |
|---|---|---|---|
| <b>GENERAL REVENUE FUND</b>                             |   |   |   |
| <u>Costs – Department of Corrections</u>                |   |   |   |
| Incarceration/probation costs                           | (Less than<br><u>\$100,000</u> )        | (Less than<br><u>\$100,000</u> )        | (Less than<br><u>\$100,000</u> )        |
| <b>ESTIMATED NET EFFECT ON<br/>GENERAL REVENUE FUND</b> | <b>(Less than<br/><u>\$100,000</u>)</b> | <b>(Less than<br/><u>\$100,000</u>)</b> | <b>(Less than<br/><u>\$100,000</u>)</b> |
| <u>FISCAL IMPACT - Local Government</u>                 | FY 2004<br>(10 Mo.)                     | FY 2005                                 | FY 2006                                 |
|   | <u>\$0</u>                              | <u>\$0</u>                              | <u>\$0</u>                              |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

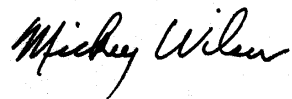
DESCRIPTION

The proposed legislation would make it a Class A felony for licensed pharmacists to knowingly tamper with prescription drugs. Tampering, in this act, would mean misbranding, diluting, or altering the concentration or chemical structure of any prescription drug.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Department of Economic Development  
    – Division of Professional Registration  
Department of Corrections  
Department of Health and Senior Services  
Department of Public Safety  
    – Missouri State Highway Patrol  
Office of Prosecution Services  
Office of State Public Defender

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
March 25, 2003